

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brandi Kniebes-Larsen,

Petitioner,

v.

Case No. 18-cv-1261 (JNE/BRT)
ORDER

United States of America,

Respondent.

In a Report and Recommendation (“R&R”) dated October 2, 2018, the Honorable Becky R. Thorson, United States Magistrate Judge, recommended that the Court dismiss Kniebes-Larsen’s petition because the Court lacks jurisdiction. ECF No. 5. Petitioner objected. ECF No. 6. In addition to repeating arguments addressed by Judge Thorson, Petitioner argues that the district court erred in sentencing because a jury must find the drug quantity attributable to the defendant on an individualized basis, not just the drug quantity attributable to the conspiracy as a whole. *Id.* However, the Court lacks jurisdiction over this objection for the reasons explained by Judge Thorson in the R&R. Based on a de novo review of the record, the Court adopts the R&R in its entirety. *See* 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2. Therefore, IT IS ORDERED THAT:

1. This matter be DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 28, 2018

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge